

H.R. 1276
AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. OXLEY

Strike all after the enacting clause and insert:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Environmental Re-
3 search, Development, and Demonstration Authorization
4 Act of 1997”.

5 SEC. 2. DEFINITIONS.

6 For the purposes of this Act, the term—

7 (1) “Administrator” means the Administrator
8 of the Environmental Protection Agency;

9 (2) “Agency” means the Environmental Protec-
10 tion Agency; and

11 (3) “Assistant Administrator” means the As-
12 sistant Administrator for Research and Development
13 of the Agency.

14 SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

15 (a) **IN GENERAL.**—There are authorized to be appro-
16 priated to the Administrator for the Office of Research
17 and Development in the Environmental Protection Agency
18 for environmental research and development activities not
19 authorized under other authority of law, \$401,278,500 for
20 fiscal year 1998 and \$412,626,600 for fiscal year 1999,
21 of which-

1 (1) \$105,457,900 for fiscal year 1998 and
2 \$108,621,600 for fiscal year 1999 shall be
3 available for ecosystem protection research;

4 (2) \$14,138,600 for fiscal year 1998 and
5 \$14,562,800 for fiscal year 1999 shall be avail-
6 able for global change research;

7 (3) \$19,871,100 for fiscal year 1998 and
8 \$20,467,200 for fiscal year 1999 shall be avail-
9 able for air toxics research;

10 (4) \$3,344,800 for fiscal year 1998 and
11 \$3,445,100 for fiscal year 1999 shall be avail-
12 able for waste, site, and risk characterization
13 research;

14 (5) \$5,448,900 for fiscal year 1998 and
15 \$5,612,400 for fiscal year 1999 shall be avail-
16 able for waste management and site remedi-
17 ation research;

18 (6) \$53,626,000 for fiscal year 1998 and
19 \$55,234,800 for fiscal year 1999 shall be avail-
20 able for human health protection research;

21 (7) \$15,872,900 for fiscal year 1998 and
22 \$16,349,100 for fiscal year 1999 shall be avail-
23 able for special environmental hazards research;

24 (8) \$42,036,000 for fiscal year 1998 and
25 \$43,297,100 for fiscal year 1999 shall be avail-

1 able for new technology and pollution preven-
2 tion research; and

3 (9) \$141,482,300 for fiscal year 1998 and
4 \$145,036,500 for fiscal year 1999 shall be
5 available for science quality and infrastructure
6 research.

7 (b) PESTICIDES.—For pesticide registration activi-
8 ties, \$1,546,299 for fiscal year 1998 and \$1,592,600 for
9 fiscal year 1999, and for pesticide reregistration activities,
10 \$1,889,800 for fiscal year 1998 and \$1,946,500 for fiscal
11 year 1999.

12 (c) LIMITATIONS.—Other than amounts awarded
13 through a competitive process, or as specifically authorized
14 by an Act other than a general appropriations Act, no
15 funds are authorized to be appropriated by this Act for
16 any of the following

17 (1) oil spill Restoration at the Louisiana Envi-
18 ronmental Research Center.

19 (2) The Mine Waste Technology Program.

20 (3) Livestock and Agriculture Pollution Abate-
21 ment.

22 (4) Resource and Agriculture Policy Develop-
23 ment.

24 (5) The National Decentralized Water Re-
25 sources Capacity Project.

1 (d) ADDITIONAL AUTHORIZATIONS.-There are au-
2 thorized to be appropriated to the Administrator for envi-
3 ronmental research and development activities not author-
4 ized under other authority of law-

5 (1) for oil pollution related research,
6 \$1,017,200 for fiscal year 1998 and \$1,047,700 for
7 fiscal year 1999; and

8 (2) for research related to the Comprehensive
9 Environmental Response, Compensation, and Liabil-
10 ity Act of 1980, \$39,755,900 for fiscal year 1998
11 and \$40,948,600 for fiscal year 1999.

12 (e) TRANSBOUNDARY POLLUTION RESEARCH.—
13 From funds appropriated pursuant to this Act,
14 \$1,000,000 are authorized to be appropriated to the Ad-
15 ministrator for each of the fiscal years 1998 and 1999
16 to support the United States-Mexico Foundation for
17 Science for research related to environmental issues in the
18 United States-Mexico transboundary region, including the
19 Salton Sea.

20 SEC. 4. SCIENTIFIC RESEARCH REVIEW.

21 The Administrator shall assign to the Assistant Ad-
22 ministrator the duties of-

23 (1) developing a strategic plan for scientific and
24 technical research activities throughout the Agency;

1 (2) integrating that strategic plan into ongoing
2 Agency research and development planning activi-
3 ties, and

4 (3) reviewing all Agency research to determine
5 whether the research-

6 (A) is of high quality; and

7 (B) does not duplicate any other research
8 being conducted by the Agency.

9 **SEC. 5. GRADUATE STUDENT FELLOWSHIPS.**

10 **In carrying** out the graduate student fellowship pro-
11 gram for which funds are authorized to be appropriated
12 by this Act, the Administrator shall ensure that any fel-
13 lowship award to a student selected after the date of the
14 enactment of this Act is used only to support scientific
15 research activities of the Environmental Protection Agen-
16 cy.

17 **SEC. 6. SCIENCE ADVISORY BOARD.**

18 (a) ANNUAL REPORT.- T h e Science Advisory Board
19 shall submit to Congress and to the Administrator an an-
20 nual report that contains the views of the Science Advisory
21 Board on proposed research programs as described in the
22 President's budget for research, development, and dem-
23 onstration activities at the Environmental Protection
24 Agency. Such report shah be submitted to Congress as
25 soon as practicable after the submission of the President's

1 budget to Congress. The Administrator shall cooperate
2 with the Director of the Science Advisory Board, particu-
3 larly with respect to the timely provision of budget infor-
4 mation to the Science Advisory Board, to allow the Science
5 Advisory Board to carry out its duties under this sub-
6 section.

7 (b) **EVALUATION.** - The Science Advisory Board shall
8 conduct periodic evaluations of selected areas of the cur-
9 rent and planned research, development, and demonstra-
10 tion activities of the Environmental Protection Agency.
11 The areas of evaluation shall be selected by the Science
12 Advisory Board in consultation with the Administrator,
13 the Office of Research and Development, other Agency
14 programs, and appropriate committees of the Congress.
15 Reports containing the Science Advisory Board's evalua-
16 tions and recommendations shall be filed with such com-
17 mittees and the Administrator. The Administrator shall
18 provide to such committees a written response to the
19 Science Advisory Board's evaluation and recommendations
20 within 60 days after the Science Advisory Board's report
21 has been submitted.

22 (c) **SUBMISSION TO CONGRESS.** - The Administrator
23 shall submit to the Congress any report required by law
24 to be submitted to the Administrator by the Science Advi-
25 sory Board. The Administrator shall make any such sub-

1 mission not later than 60 days after the Administrator
2 receives the report from the Science Advisory Board.

3 (d) AUTHORIZATION. - There are authorized to be ap-
4 propriated to the Administrator \$2,418,300 for fiscal year
5 1998 and \$2,490,800 for fiscal year 1999 for activities
6 of the Science Advisory Board.

7 SEC. 7. LIMITATIONS.

8 (a) PROHIBITION OF LOBBYING ACTIVITIES. - None
9 of the funds authorized by this Act shall be available for
10 any activity whose purpose is to influence legislation pend-
11 ing before the Congress, except that this subsection shall
12 not prevent officers or employees of the United States or
13 of its departments or agencies from communicating to
14 Members of Congress on the request of any Member or
15 to Congress, through the proper channels, requests for leg-
16 islation or appropriations which they deem necessary for
17 the efficient conduct of the public business.

18 (b) ELIGIBILITY FOR AWARDS. -

19 (1) IN GENERAL. — The Administrator shall ex-
20 clude from consideration for grant agreements made
21 by the Agency after fiscal year 1997 any person who
22 received funds, other than those described in para-
23 graph (2), appropriated for a fiscal year after fiscal
24 year 1997, under a grant agreement from any Fed-
25 eral funding source for a project that was not sub-

jected to a competitive, merit-based award process.
Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION. -Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION. -For purposes of this subsection, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d) (1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

1 SEC. 8. NOTICE.

2 (a) NOTICE OF REPROGRAMMING.—If any funds au-
3 thorized by this Act are subject to a reprogramming action
4 that requires notice to be provided to the Appropriations
5 Committees of the House of Representatives and the Sen-
6 ate, notice of such action shall concurrently be provided
7 to the Committees on Science, Commerce, and Transpor-
8 tation and Infrastructure of the House of Representatives
9 and the Committee on Environment and Public Works of
10 the Senate.

11 (b) NOTICE OF REORGANIZATION.—The Adminis-
12 trator shall provide notice to the Committees on Science,
13 Commerce, Transportation and Infrastructure, and Ap-
14 propriations of the House of Representatives, and the
15 Committees on Environment and Public Works and Ap-
16 propriations of the Senate, not later than 15 days before
17 any major reorganization of any program, project, or ac-
18 tivity of the Agency.

19 SEC. 9. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

20 With the year 2000 fast approaching, it is the sense
21 of Congress that the Environmental Protection Agency
22 should—

23 (1) give high priority to correcting all 2-digit
24 date-related problems in its computer systems to en-
25 sure that those systems continue to operate effec-
26 tively in the year 2000 and beyond;

1 (2) assess immediately the extent of the risk to
2 the operations of the Environmental Protection
3 Agency posed by the problems referred to in para-
4 graph (1), and plan and budget for achieving Year
5 2000 compliance for all of its mission-critical sys-
6 tems; and

7 (3) develop contingency plans for those systems
8 that the Environmental Protection Agency is unable
9 to correct in time.

10 **SEC. 10. BUY AMERICAN.**

11 (a) **COMPLIANCE WITH BUY AMERICAN ACT.** - No
12 funds appropriated pursuant to this Act may be expended
13 by an entity unless the entity agrees that in expending
14 the assistance the entity will comply with sections 2
15 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
16 10c, popularly known as the "Buy American Act").

17 (b) **SENSE OF CONGRESS.** - In the case of any equip-
18 ment or products that may be authorized to be purchased
19 with financial assistance provided under this Act, it is the
20 sense of Congress that entities receiving such assistance
21 should, in expending the assistance, purchase only Amer-
22 ican-made equipment and products,

23 (c) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In
24 providing financial assistance under this Act, the Adminis-
25 trator shall provide to each recipient of the assistance a

1 notice describing the statement made in subsection (a) by
2 the Congress.